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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,613	02/20/2004	Masao Shoji	FPO-CE-24016 (108470-1)	7218
7590 01/31/2006 Olson & Hierl, Ltd. 36th Floor 20 N. Wacker Drive Chicago, IL 60606			EXAMINER DUNWIDDIE, MEGHAN K	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,613

Applicant(s)

SHOJI, MASAO

Examiner

Meghan K. Dunwiddie

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the amendment filed on October 21, 2005 by **Shoji**.

Response to Arguments

1. Applicant's arguments, see pages 5-8, filed October 21, 2005, with respect to the rejection(s) of claim(s) 1-7 under **Petterson** (US 4530040) and **Lindner** (US 5490045) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Petterson** (US 4530040), **Lindner** (US 5490045) and **Kobayashi et al.** (US 5138540).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Petterson** (US 4530040) in view of **Kobayashi et al.** (US 5138540).

4. Regarding Claim 1, **Petterson** shows an illuminating apparatus projecting light forward, comprising:

- A light source [Figure 6: (18)];
- Forward projecting means [See column 4 lines 5-8] positioned in front of said light source [Figure 6: (18)] to project light forward;
- A reflecting mirror [Figure 6: (12)] enclosing said light source [Figure 6: (18)] and said forward projecting means [See column 4 lines 5-8] for directing and reflecting forward the light from said light source [Figure 6: (18)].

5. Regarding Claim 2, **Petterson** shows:

- Reflecting mirror [Figure 6: (12)] is a parabolic mirror [See column 1 lines 51-52 in reference to Figure 6: (12)], and said light source [Figure 6: (18)] is positioned at a focus [Figure 6: (16)] of the parabolic mirror [Figure 6: (12)].

6. Regarding Claim 3, **Petterson** shows:

- Forward projecting means [See column 4 lines 5-8] is a Fresnel lens [See column 3 lines 52 in reference to Figure 6: (14)] having a stepped surface arranged on a plane [See column 5 lines 15-18] on opposite side of said light source [Figure 6: (18)],
- The illumination apparatus [Figure 6: (10)] further comprising transparent air-blocking means [Figure 6: (40)] provided in front of said Fresnel lens [Figure 6: (14)] to prevent said Fresnel lens [Figure 6: (14)] from being exposed to air.

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7. Regarding Claim 4, **Petterson** shows:

- Forward projecting means [See column 4 lines 5-8] is a small-diameter reflecting mirror [Figure 6: (22)] having an aperture smaller than that of said reflecting mirror [Figure 6: (12)].

8. **Petterson** does not show:

- Distance varying means that can vary a distance between said forward projecting means and said light source while the light source is positioned fixedly relative to the reflecting mirror.

9. **Kobayashi et al.** teaches:

- Distance varying means that can vary a distance between said forward projecting means and said light source while the light source is positioned fixedly relative to the reflecting mirror [See column 4 lines 47-58 in reference to Figure 2: (7 and 8)].

10. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the illumination apparatus of **Petterson** with distance varying means varying a distance between the forward projecting means and the light source while the light source is positioned fixedly relative to the reflecting mirror as taught by **Kobayashi et al.** for the purpose and advantage of controlling the light distribution pattern by converging/diffusing or inclining the beams.

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11. Regarding Claim 6, **Petterson** shows the claimed invention as cited above, but does not specifically teach a distance varying means being a screw mechanism provided between a light source-fixing member and a forward projecting means-fixing member.

12. **Kobayashi** et al. teaches:

- Distance varying means is a screw mechanism provided between a light source-fixing member fixing said light source and a forward projecting means-fixing member fixing said forward projection means [See column 4 line 59 – column 5 line 49].

13. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the illumination apparatus of **Petterson** with distance varying means being a screw mechanism provided between a light source-fixing member and a forward projecting means-fixing member as taught by **Kobayashi** et al. for the purpose and advantage of controlling the light distribution pattern by converging/diffusing or inclining the beams.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Petterson** (US 4530040) and **Kobayashi** et al. (US 5138540) in view of **Lindner** (US 5490045).

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15. Regarding Claim 7, **Petterson** and **Kobayashi** et al. show the claimed invention as cited above, but do not specifically teach the light source is an LED (Light Emitting Diode).

16. **Lindner** teaches:

- A light source [Figure 6: (24)] is an LED (Light Emitting Diode) [See column 8 lines 41-43].

17. It would have been obvious for one of ordinary skill in the art, at the time of the invention to have provide the illumination apparatus of **Petterson** and **Kobayashi** et al. with an LED (Light Emitting Diode) as taught by **Lindner** for the purpose and advantage of providing an alternate means of a light source and also a long lasting and reliable light source.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Husar
Primary Examiner

MKD